

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1096 of 2007()

CC.702/2006 of J.M.F.C.-I,ATTINGAL
CRIME NO.251/05 OF CHIRAYINKEEZHU POLICE STATION
.....

: PETITIONER/IST ACCUSED.

SURESH KUMAR, AGED 36 YEARS,
S/O.BHASI, KOZHIYOTTUMADAM, CHIRAYINKEEZHU DESOM,
KUNTHALLOOR VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR
SMT.V.S.BEENA

RESPONDENTS:

STATE OF KERALA, REPRESENTING
CHIRAYINKEEZHU POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

.....
B.A. No. 1096 OF 2007 B
.....

Dated this the 26th day of February, 2007

O R D E R

Petitioner, who is the first accused in Crime No.251/2005 of Chirayinkeezhu Police Station for offences punishable under sections 498A, 323 and 384 read with section 34 IPC, seeks anticipatory bail. Marriage between the petitioner and the de facto complainant was on 28.8.1998. Two children have been born in that wedlock. Parties are living separate from the year 2004 onwards.

2. Consequent on the non-appearance of the petitioner in C.C.No.72/2006 on the file of the JFCM-I, Attingal, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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